

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DAVID ROBIN WHITMORE,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-11-202-M
)	
MINDY MASK, et al.,)	
)	
Defendants.)	

ORDER

On February 24, 2012, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983, alleging violations of plaintiff's federal constitutional rights. The Magistrate Judge recommended the motion for summary judgment by Defendant Mask be granted in part and denied in part and that the motions of Defendants Clark, Miller and Morton be granted in their entirety. The parties were advised of their right to object to the Report and Recommendation by March 15, 2012. Defendant Mask's objection was filed on March 7, 2012. After several extensions, Plaintiff's objection to defendant Morton, and Pending Motions Report and Recommendation and plaintiff's objection to Defendants Mask, Miller and Clark Report and Recommendation were both filed on July 13, 2012. On July 23, 2012, plaintiff's Motion to Reinstate Plaintiff's Motion to Amend/Supplement His Objection to Defendants Mask, Miller, Clark, Report and Recommendation was filed.


Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the thorough and well-reasoned Report and Recommendation issued by the Magistrate Judge on February 24, 2012;
- (2) GRANTS IN PART AND DENIES IN PART defendants Clark, Mask and Miller's motion for summary judgment [docket no. 37] as follows:
 - (a) The Court GRANTS defendants Clark and Miller's motion for summary

judgment on all counts and on behalf of defendant Mask on plaintiff's denial of access to courts claim;

- (b) The Court DENIES, defendant Mask's motion for summary judgment on plaintiff's retaliation claim; and
- (3) GRANTS defendant Morton's Motion to Dismiss/Motion for Summary Judgment, treated as a motion for summary judgment [docket no. 44]. Plaintiff's Motion to Reinstate Plaintiff's Motion to Amend/Supplement His Objection to Defendants Mask, Miller, Clark, Report and Recommendation [docket no. 145], and all other pending motions are DENIED as MOOT.

IT IS SO ORDERED this 1st day of August, 2012.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE